

UNCLASSIFIED  
Department of State  
12/4/81

INCOMING  
TELEGRAM

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ACTION ARA-16

BUENOS 08517 041934Z

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INFO OCT-00 ADS-00 INR-10 CIAE-00 DODE-00 NSAE-00 SY-05  
HA-06 PA-01 MCT-02 ICAE-00 SP-02 SPRS-02 /044 W  
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R 041844Z DEC 81  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 1755  
INFO USCINCSO QUARRY HTS PA  
USCINCLANT NORFOLK VA

AQ 136

BUENOS AIRES 8517

CINCSO FOR INTAFF

CINCLANT FOR POLAD

E.O. 12065: GDS 12/4/87 (FRIEDMAN, T.B.) OR-P  
TAGS: SHUM, AR  
SUBJECT: (U) JUDGE ORDERS RELEASE OF PRISONERS

1. (U) IN ANOTHER ASSERTION OF JUDICIAL AUTHORITY, A FEDERAL JUDGE HAS ORDERED THE RELEASE OF FIVE WOMEN WHO ARE BEING HELD UNDER THE PRESIDENT'S STATE OF SIEGE POWERS. THE JUDGE ORDERED THE RELEASE ON THE BASIS OF THE "MOYA DOCTRINE" -- THE DECISION OF THE SUPREME COURT EARLIER THIS YEAR THAT CONTINUING P.E.N. DETENTIONS MUST HAVE SUBJECT TO THE TEST OF REASONABLENESS. IN THESE FIVE CASES THE JUDGE FOUND THAT THOUGH THE WOMEN WERE ACTIVE MEMBERS OF TERRORIST ORGANIZATIONS, AND SOME HAD PLACED BOMBS, THEIR CONTINUED DETENTION COULD NOT BE JUSTIFIED ON THE GROUNDS OF REASONABLENESS.

2. COMMENT: UNDER ARGENTINE LAW, THE GOVERNMENT MUST APPEAL THIS DECISION -- IT WOULD DO SO IN ANY CASE. IN THE MOYA DECISION, MOYA APPEARS TO HAVE HAD SOME CONNECTION WITH TERRORISTS BUT DID NOT ENGAGE IN TERRORIST ACTIONS, SO FAR AS WE ARE AWARE. WHAT SETS THIS CASE APART IS THAT THE JUDGE ACKNOWLEDGED THE INVOLVEMENT OF SOME OF THE WOMEN IN ACTS OF VIOLENCE AND STILL ORDERED THEIR RELEASE. THIS DECISION WILL DISPLEASE MILITARY HARDLINERS WHO WOULD PREFER TO KEEP SUCH PRISONERS UNDER LOCK AND KEY FOR MANY MORE YEARS.  
SHLAUDEMAN

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part ☒ In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

Lot 82D275  
Box 3541  
(2/17)